

§ 114. Funeral honors functions at funerals for veterans

Subject to such regulations and restrictions as may be prescribed by the Secretary concerned, the performance of funeral honors functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of funeral honors functions at such a funeral may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 115 of this title.

(Added Pub. L. 105-85, div. A, title V, §517(a)(1), Nov. 18, 1997, 111 Stat. 1733; amended Pub. L. 105-261, div. A, title V, §567(d), Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106-65, div. A, title V, §578(g)(1), (k)(3)(A), Oct. 5, 1999, 113 Stat. 627, 631.)

AMENDMENTS

1999—Pub. L. 106-65, in section catchline, substituted “Funeral honors” for “Honor guard” and, in text, substituted “funeral honors functions” for “honor guard functions” in two places and “drill or training, but may be performed as funeral honors duty under section 115 of this title” for “drill or training otherwise required”.

1998—Pub. L. 105-261 designated subsec. (a) as entire section and struck out subsec. (b) which read as follows: “This section does not authorize additional appropriations for any fiscal year. Any expense of the National Guard that is incurred by reason of this section shall be paid from appropriations otherwise available for the National Guard.”

§ 115. Funeral honors duty performed as a Federal function

(a) **ORDER TO DUTY.**—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned. Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.

(b) **SERVICE CREDIT.**—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

- (1) service credit under section 12732(a)(2)(E) of title 10; and
- (2) as directed by the Secretary concerned, either—
 - (A) the allowance under section 435 of title 37; or
 - (B) compensation under section 206 of title 37.

(c) **REIMBURSABLE EXPENSES.**—A member who performs funeral honors duty under this section

may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

(d) **REGULATIONS.**—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

(Added Pub. L. 106-65, div. A, title V, §578(g)(2), Oct. 5, 1999, 113 Stat. 627; amended Pub. L. 106-398, §1 [[div. A], title V, §575(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138; Pub. L. 107-107, div. A, title V, §562(b), Dec. 28, 2001, 115 Stat. 1119.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 inserted at end “Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”

2000—Subsec. (b)(2). Pub. L. 106-398 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “if authorized by the Secretary concerned, the allowance under section 435 of title 37.”

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 applicable to funeral honors duty performed on or after Oct. 30, 2000, see section 562(c) of Pub. L. 107-107, set out as a note under section 12503 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

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[329 to 335. Repealed.]

AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 526(b), Oct. 17, 2006, 120 Stat. 2196, added item 328.

2002—Pub. L. 107-314, div. A, title V, § 512(d), Dec. 2, 2002, 116 Stat. 2537, added item 327 and struck out former items 327 “General courts-martial of National Guard not in Federal service”, 328 “Special courts-martial of National Guard not in Federal service”, 329 “Summary courts-martial of National Guard not in Federal service”, 330 “Confinement instead of fine”, 331 “Dismissal or dishonorable discharge”, 332 “Compelling attendance of accused and witnesses”, and 333 “Execution of process and sentence”.

1994—Pub. L. 103-337, div. A, title XVI, § 1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted “National Guard officers:” for “officers: Army National Guard;” in items 309 and 310.

1986—Pub. L. 99-661, div. A, title VI, § 604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 “Compensation for disablement during training”, item 319 “Compensation for disablement during training when not covered by section 318 of this title”, item 320 “Hospitalization: when Secretary may require”, and item 321 “Death gratuity”.

1984—Pub. L. 98-525, title IV, § 414(b)(2)(B), Oct. 19, 1984, 98 Stat. 2519, struck out item 335 “Status of certain members performing full-time duty”.

1983—Pub. L. 98-94, title V, § 504(b)(2), Sept. 24, 1983, 97 Stat. 632, added item 335.

1981—Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666, struck out item 334 “Payment of malpractice liability of National Guard Medical personnel”.

1980—Pub. L. 96-513, title V, § 515(1), Dec. 12, 1980, 94 Stat. 2937, inserted “of officers” after “recognition” in item 307.

1976—Pub. L. 94-464, § 2(c), Oct. 8, 1976, 90 Stat. 1988, added item 334.

1961—Pub. L. 87-378, § 5(2), Oct. 4, 1961, 75 Stat. 808, inserted “, reenlistments, and extensions” in item 302.

1958—Pub. L. 85-861, § 2(8), Sept. 2, 1958, 72 Stat. 1544, added items 309 and 310.

§ 301. Federal recognition of enlisted members

To be eligible for Federal recognition as an enlisted member of the National Guard, a person must have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved. He becomes federally recognized upon enlisting in a federally recognized unit or organization of the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
301	50:1113(a) (as applicable to enlisted members).	July 9, 1952, ch. 608, § 703(a) (as applicable to enlisted members), 66 Stat. 502.

§ 302. Enlistments, reenlistments, and extensions

(a) Under regulations to be prescribed by the Secretary concerned, original enlistments in the National Guard may be accepted for—

(1) any specified term, not less than three years, for persons who have not served in an armed force; or

(2) any specified term, not less than one year, for persons who have served in any armed force.

(b) Under regulations to be prescribed by the Secretary concerned, reenlistment in the National Guard may be accepted for any specified period, or, if the person last served in one of the highest five enlisted grades, for an unspecified period.

(c) Enlistments or reenlistments in the National Guard may be extended—

(1) under regulations to be prescribed by the Secretary concerned, at the request of the member, for any period not less than six months; or

(2) by proclamation of the President, if Congress declares an emergency, until six months after termination of that emergency.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Pub. L. 87-378, § 5(1), Oct. 4, 1961, 75 Stat. 808.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302	32:124.	June 3, 1916, ch. 134, § 69; restated July 11, 1919, ch. 8 (20th par. under “National Guard”); restated June 4, 1920, ch. 227, subch. I, § 37; restated June 6, 1924, ch. 275, § 4; restated June 15, 1933, ch. 87, § 7, 48 Stat. 156; July 9, 1952, ch. 608, § 806(a), 66 Stat. 506.

32:124 (1st proviso) is omitted as executed. The word “reenlistments” is substituted for the words “subsequent enlistments”.

AMENDMENTS

1961—Pub. L. 87-378 permitted original enlistments for any specified term, not less than three years, for persons who have not served in an armed force, authorized reenlistments for any specified period, or if the person last served in one of the highest five enlisted grades, for an unspecified period, extensions of enlistments or reenlistments at the request of the member for any period not less than six months after termination of the emergency.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 6 of Pub. L. 87-378 provided that: “The amendments made by sections 3, 4, and 5 of this Act [amending this section and sections 3261 and 8261 of Title 10, Armed Forces] shall not affect any enlistment, reenlistment, or appointment entered into or made before the effective date of this Act [Oct. 4, 1961].”

§ 303. Active and inactive enlistments and transfers

(a) Under regulations to be prescribed by the Secretary of the Army, a person qualified for enlistment in the active Army National Guard may be enlisted in the inactive Army National Guard for a single term of one or three years. Under regulations prescribed by the Secretary of the Air Force, a person qualified for enlistment in the active Air National Guard may be enlisted in the inactive Air National Guard for a single term of one or three years.

(b) Under such regulations as the Secretary of the Army may prescribe, an enlisted member of the active Army National Guard, not formerly enlisted in the inactive Army National Guard, may be transferred to the inactive Army National Guard. Under such regulations as the Secretary of the Air Force may prescribe, an en-